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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

DON C. BENNETT, COMERLIS
DELANEY, GARY ROBINSON, DARREN
SCOTT, JON HOTZLER, and PATRICK
NICASSIO, on behalf of themselves and all
others similarly situated,

Case No. 11-1854 JST (NJV)

STIPULATION AND [PROPOSED] ORDER TO CONTINUE MEDIATION DEADLINE

Complaint Filed: April 18, 2011
First Amended

First Amended
Complaint Filed: June 27, 2011

Complaint Filed: June 27, 2011
Second Amended

Complaint Filed: June 26, 2012

Third Amended

Complaint Filed: July 17, 2013

Trial Date:

Judge: Honorable Jon S. Tigar

1 Pursuant to Local Rules 6-1, 6-2, and 7-12, Plaintiffs and Defendant SimplexGrinnell LP
2 hereby stipulate as follows:

3 WHEREAS, on June 27, 2013, the Court entered a scheduling order setting October 29,
4 2013 as the deadline for the Parties to complete participation in the Court's Mediation Program
5 (the "Mediation");

6 WHEREAS, based on the availability of the Parties and the Court-appointed Mediator, the
7 date most recently contemplated for the whole-day Mediation was October 23, 2013;

8 WHEREAS, Defendant's representative now has a conflict on October 23, 2013 and cannot
9 attend the Mediation on that date;

10 WHEREAS, Defendant's Expert Reports are due October 21, 2013;

11 WHEREAS, the Parties have met and conferred about the mutual benefits of allowing more
12 time to hold the Mediation, including affording Plaintiffs sufficient time to examine
13 SimplexGrinnell's expert reports. Plaintiffs have consented to an extension of the deadline to
14 complete the Mediation; and

15 WHEREAS, the Parties are available to attend the Mediation on November 19, 2013 and
16 the Court-appointed Mediator has confirmed reservation of that date.

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1 IT IS THEREFORE STIPULATED AND AGREED AS FOLLOWS:

2 If the Court approves, that the deadline for the Parties to complete the Mediation is
3 continued to November 29, 2013.

4 Dated: September 19, 2013

Respectfully submitted,

5 By: /s/ Karla A. Gilbride

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21 *Attorneys for Plaintiffs and Proposed Class*

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1 Dated: September 19, 2013
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3 By: /s/ Carolyn B. Hall
4 Dominick Capozzola (SBN 217381)
5 Robert R. Robinson (SBN 185286)
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ATTESTATION

Pursuant to General Order 45(X), I attest that concurrence in the filing of this document has been obtained from each of the other signatories.

Dated: September 19, 2013

By: /s/ Carolyn B. Hall

Carolyn B. Hall
OGLETREE, DEAKINS, NASH,
SMOAK & STEWART, P.C.
Attorneys for Defendant SimplexGrinnell LP

1 **{PROPOSED} ORDER**
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PURSUANT TO STIPULATION, IT IS SO ORDERED.

4 DATED: September 20, 2013
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Honorable Jon S. Tigar
United States District Court Judge